

# SANCHAR NIGAM EXECUTIVES' ASSOCIATION

## KERALA CIRCLE

(Largest Association of Executives in BSNL)  
SNEA Bhavan, Dharmalayam Road, TVM-695001



**Circle President**  
**Dr.V.G.Sabu**  
**AGM, Trivandrum**  
**Mob: 9446433433**

**Circle Secretary**  
**Jithesh.K.P**  
**SDE, Kannur**  
**Mob: 9447707475**

**Circle Treasurer**  
**Suneer.S**  
**AO, Circle Office**  
**Mob: 9447341693**

**No.SNEA/Kerala/2021/20**

**dated 8<sup>th</sup> Sep 2021**

**To**

**Shri C.V.Vinod**

**CGMT BSNL,**

**Kerala Circle**

Respected Sir,

**Sub: - Illegal tracking of Employee Location in Online Attendance System - Infringement on privacy of Individuals reg.**

Ref:

- No.KRLCO-11/12(12)/1/2021-HR AND ADMIN dated 30/08/2021
- No.KRLCO-11/12(12)/1/2021-HR AND ADMIN dated 27/08/2021
- No.SNEA/Kerala/2021/19 dated 28th Aug 2021

With regards to the letter No.KRLCO-11/12(12)/1/2021-HR AND ADMIN dated 30/08/2021 in reply to No.SNEA/Kerala/2021/19 dated 28th Aug 2021, the unilateral decision of the reply being FINAL is an indication that the management is functioning in denial of the genuine concerns raised by this association. Nevertheless, we believe that through mutual discussion alone, various problems, issues and conflicts can be resolved and in this regard the following reply to the points highlighted in the letter are brought to your kind attention:

1. It is very unfortunate and unfitting that the administration of one of the most profitable circles of BSNL is insinuating that its employees have issues with demonstration of integral honesty. In fact they are demonstrating these qualities on a day-to-day basis to keep the show running even under financial distress. We agree that integral honesty is an essential virtue, the demonstration of which is one among the major reasons for the performance of BSNL Kerala Circle. It is kindly reminded that the performance of an organization is also dependent on other factors including finance, infrastructural facilities and ability to handle competition and commitment & capability of the management to boost the morale of the employees. Speaking of integral honesty and intruding into the privacy of the employees, through illegal access of sensitive call related information, for fetching tower location particulars of personal mobile numbers, duly activated on their individual CAF's, underlines the double standards followed by BSNL Kerala Circle management.

Integral has a relationship with integrity as defined "the state of being whole and undivided". Here due to the reply letter dtd 30th Aug'21, the cognizance of executives is being divided. An honest person shows good behavior, always follows rules and regulations, maintains discipline,

speaks the truth and is punctual. So, the management who doesn't follow rules and regulations, like not abiding by the law of the land, itself shows dishonest practices. How such management can teach executives punctuality. Punctuality necessarily would mean doing things on time. But that does not suffice what punctuality stands for. For instance, doing things on time requires discipline and method. If a person is not disciplined nor has a method of doing things, then it might be challenging for him or her to be punctual. Punctuality is thus a collection of a lot of habits that make you aware of the necessity of doing things on time. Punctuality not only makes someone disciplined and methodical, but it helps to overcome challenges too. Those people who get the habit of being punctual turn out to do things quickly and save a lot of time. So, there are many ways to deal with the employees chronically late for office, but monitoring the employees through infringement of privacy is not at all the way to tackle those employees who are purposefully late IN Office and early OUT Office.

2. We agree that use of technology for monitoring employee performance is within the purview of the Circle Head but it should be done abiding by the law of the land. Right to privacy is an integral part of the constitution and snooping into the privacy of individuals under the behest of any reason is illegal. As per DOPT guidelines and BSNL CDA Rules, No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior. Yes, Use of technological tools play an essential role in the efficiency and effectiveness of the company. But Employers have no right to monitor their employees by using technology like employee monitoring technology. Here, the management of BSNL Kerala is supposed to abide by the laws of the Indian Government and not of the American Government. In the USA, there is an act named "The Electronic Communications Privacy Act of 1986" where employers can use the technology to track their staff's real-time locations and activities. But in India, we follow two laws mainly in this aspect and i.e. the Telegraph Act, 1885 and the Information Technology Act, 2000. In nowhere, mentioned about the usage of technology for monitoring employee performance by tracking the real-time locations and activities of regular staff.
3. & 4. Transportation related points have been mentioned to point to the difficulties faced by both employees and contract staff alike during the peak of the pandemic and lockdown period when public transport facilities were withdrawn. Yes. Every executive shall at all times maintain absolute integrity, maintain devotion to duty, do nothing which is unbecoming of a Government Servant. The management is relying on an imaginary perception and describing every executive that they have issues with demonstrable integral honesty, making these as excuses for the infringement of privacy in the name of monitoring. But these are not excuses for a Government servant, who is not part of any Law Enforcement Agency to intercept the personal mobile numbers of his subordinates/ colleagues. Here, interception/monitoring of mobile phones were done beyond the authorised part.

Sir, Not only janitors or housekeeping staff, many regular staff in BSNL Offices are the most economically backward segments in the stakeholder list of BSNL. These so-called delayed salary getting regular employees are also attending the office in time without any own vehicle, due to the best administered state as you mentioned. So, please don't differentiate the status of regular staff by comparing them with janitors or housekeeping staff. Before commenting, the management should have checked the status of many socially economically backward employees

working in BSNL. Before teaching punctuality, if that would have been realized by the management at proper time, one of the executives in Thrissur would not have hanged himself.

- 5.** The management seems to have gotten carried away in its assessment of cleanliness in the office premises and is trying to shift the focus of the letter in reference (c) from surveillance/harassment of the employees to blame on janitors. We agree that personal health & hygiene is the responsibility of an individual, but the administration also has its own set of responsibilities and should strive to provide each employee a safe and clean environment to work in. No arrangements were made in the Circle Office and other offices for providing even a single bottle of sanitiser for working as per COVID protocols. Even the sanitisation of the Office premises when an employee tests COVID positive is much delayed and casually carried out by the management. Let us remind you that even the sanitiser dispenser units were installed in various locations in the Circle Office and other offices first by SNEA and then only management followed by providing only one unit at the entrance at Circle Office, whereas in corporate office sanitiser dispenser units were installed at every entrance and on each and every floor.
- 6.** When the whole point of our letter was to raise the concern of individual privacy, management is cunningly trying to divert the issue by using the voiceless janitors as scapegoats. We reiterate that we have not blamed/targeted any of the housekeeping staff, but were focusing on the concern of intrusion into individual privacy. SNEA has always been the voice of these Housekeeping/Contract staff for ensuring their fundamental basic rights whenever management deprived them of the same. Sir, it is kindly reminded that each individual employee came forward to support the Housekeeping/Contract staff in the respective offices during this year's Onam also; but it is the management which keeps looking away from their woes & financial conditions by depriving them of their regular monthly pay.
- 7.** It is stated that "The reasons for non-availability of funds including salary are well-known". Sir, as far as the employees are concerned the reasons are not well-known & it is definitely not because of the work culture of the committed employees of Kerala circle. Hence, kindly enumerate these "well-known reasons". Punctuality should be a virtue not just for the employees but also for the top management as well, in assuring timely technology up gradations & bold decisions in favour of the organization and enabling it to regain the lost foothold in the market; during the Covid pandemic situation, when the employees are rendering the best services, ensuring punctuality in the payment of essential salary is the responsibility of the management. The undue deference of the 4G up-gradation proposal by BSNL Board against government's revival strategy could be the best reference to a perfect-out condition that BSNL currently is in. There is no ONLINE Attendance system in BSNL Corporate Office in any other BSNL Circles. The reason for introducing the same in the Kerala Circle is unknown.
- 8.** The statement such as "effectiveness of online attendance system can be seen from the fact that majority of the employees have demonstrated punctuality. Hence the system has established the commitment of the majority of the employees towards fulfilling their responsibilities" is too amateurishly worded, when the letter [ref (a)] states that Kerala circle is one among the highest revenue earning circles and having one of the best network uptimes. It seems like management is actually claiming credit for the employee's punctuality which cannot be further from the truth. The employees of Kerala Circle are committed and it is being demonstrated through the

continued organizational performance of Kerala Circle. The commitment of the majority of the employees has already been established. It is quite natural that it will reflect in the online attendance system. The employees are committed not because of the online attendance system, but because of the dedicated work culture of Kerala Circle. Year after year Kerala Circle has been the top most Circle in the country in all Parameters, this itself demonstrated the commitment and punctuality of employees.

**9.** The management seems so concerned about the lapse in dedication from its employees, but is cunningly silent on its own level of commitment & responsibility towards BSNL by going against the licensing terms & conditions in which protection of data & security is given top priority. BSNL CDA Rules 2006 , Rule 13 says that “ **Unauthorised Communication of Information**:... Every employee of the Company shall follow the instructions with regard to security of information, as issued from time to time.” Accessing the real-time location of employees and publishing in Intranet is a clear violation of this Rule.

**10.** The letter [ref (a)] claims to have given full flexibility to waive late attendance to the appropriate authority, then we fail to understand the rationale behind publishing the IN OUT particulars of the individuals on the Intranet. These should be made available to the immediate superiors only, without compromising the privacy of the individuals.

**11.** We are not sure of from which realms of fantasy management has coined the following few words from: “apprehension on fundamentals of mobile handset signal latching and handover, sufficient wisdom prevails in the organization - Kerala telecom circle to understand limitations, wisdom also exists to interpret the location signals and correlate them with place of work”; when the letter reference (c) only deliberated upon random locations being displayed on the Link 10.44.1.198/reports, when employees office address was already known; but now the letter in ref(a) cements the rumour that customer/employee location is being tracked and stored by some CUSTODIAN without showing any sort of respect to the existing rules of the land.

**13.** If a system is introduced to make attendance of mobile equipment to be present at the office as part of punctuality, how an executive’s dedication, honesty, punctuality is measured by measuring the presence of a mobile phone instrument?

**14.** The letter claims that any misuse of information collected for the purpose of punctuality by the custodian will be dealt with by rules, but once it is published in Intranet, those are accessing the information will become the custodians, in that case how the misuse can be prevented or dealt with rules.

#### **Other related points for explaining the situation:**

**a.** Can the system with facility for identifying location of individual customer/employee, by access to sensitive SMS related call data, be implemented to other organisations such as KSEB/KSRTC/IOCL etc without providing those companies access to sensitive call related information?

**b.** The attendance of the employee at the office is important and not of his/her mobile handset /individual PC/LAN switch/router.

Based on the points so mentioned in reference (a) which shows no respect to the existing law, rule and proceedings of the land with regards to the subject of 'Illegal tracking of customer/employee location' the Kerala Circle management may kindly reply as to why this association should not take the proceedings outside of this organization when the management is living in denial regarding the critical point "Infringement on privacy of an individual". It may also be let known what action has been initiated against the so-called 'CUSTODIAN' regarding display of location-related information on the link 10.44.1.198/reports, as confirmed in reference (a).

Sincerely Yours



**Jithesh K P**

**Circle Secretary**

**SNEA Kerala Circle**

Copy to:

- i. General Secretary SNEA for taking up the issues with CMD & Dir (HR)
- ii. Convenor, AUAB, Kerala Circle